

BEFORE THE PERSONNEL APPEALS BOARD

STATE OF WASHINGTON

ERVIN MURPHY,

Appellant,

v.

WASHINGTON STATE PATROL,

Respondent.

Case No. ALLO-99-0006

ORDER OF THE BOARD FOLLOWING
HEARING ON EXCEPTIONS TO THE
DETERMINATION OF THE DIRECTOR

Hearing on Exceptions. This appeal came on for hearing before the Personnel Appeals Board, WALTER T. HUBBARD, Chair; GERALD L. MORGEN, Vice Chair; and NATHAN S. FORD JR., Member, on Appellant's exceptions to the Director's determination dated March 9, 1999. The hearing was held at the office of the Personnel Appeals Board in Olympia, Washington, on August 11, 1999.

Appearances. Appellant Ervin Murphy was present and appeared *pro se*. Respondent Washington State Patrol (WSP) was represented by Joseph Olson, Legal Officer.

Background. From June 1997 to November 1998, Appellant was employed by WSP while working with the Department of Transportation (DOT). Appellant was responsible for directing and planning state-wide communication construction projects at Bisbee Mountain, Blewett Pass, Magnison Butte, Looney Creek and Nooksack Falls. On April 17, 1998, he requested reallocation of his position based on the duties he performed during this time.

Appellant requested a reallocation of his position by submitting a classification questionnaire (CQ) which he signed on April 17, 1998. Subsequently and at the direction of WSP, Appellant

1 completed a second CQ which he signed on June 19, 1998. Captain Lowell M. Porter, of the
2 Human Resources Division for WSP, reviewed Appellant's position and by memorandum dated
3 September 10, 1998, denied Appellant's reallocation request.

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5 Appellant appealed Capt. Porter's decision to the Director of the Department of Personnel. The
6 Director's designee, Mary Ann Parsons, conducted an allocation review of Appellant's position.
7 By letter dated March 9, 1999, Ms. Parsons determined that Appellant's position was properly
8 allocated. On March 19, 1999, Appellant filed timely exceptions to the Director's determination
9 with the Personnel Appeals Board. Appellant's exceptions are the subject of this proceeding.

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11 **Summary of Appellant's Argument.** Appellant argues that the Director's determination was
12 based on the wrong CQ. Appellant asserts that the CQ used by the Director was completed after he
13 requested reallocation of his position and that the Director should have used the CQ he submitted
14 with his reallocation request on April 17, 1998. Appellant disagrees with DOP's interpretation of
15 the definition of the Construction and Maintenance Superintendent 3 classification. Appellant
16 argues that the Director should not have considered the Construction and Maintenance
17 Superintendent 1, 2 and 3 classifications as a progressive class series. Appellant argues that he did
18 not work under a professional engineer as required by the Engineering Aide 4 classification.
19 Appellant further argues that he engineered and drafted construction plans, wrote specifications,
20 and planned, assigned and directed the work of DOT personnel, contractors, subcontractors and
21 others. Appellant contends that his position met the definition of the Construction and Maintenance
22 Superintendent 3 classification.

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24 **Summary of Respondent's Argument.** Respondent argues that when Appellant requested
25 reallocation of his position, he had not been performing the duties described in his CQ for one year.
26 Respondent asserts that the Construction and Maintenance Superintendent 3 classification is

1 intended to encompass positions that oversee broad statewide projects that involve Construction and
2 Maintenance Superintendent 1's and 2's and is not intended to encompass positions with a limited
3 scope of expertise. Respondent asserts that Appellant's position was limited in scope and that he
4 did not have final authority on projects but rather acted in an advisory capacity assisting others. In
5 addition, Respondent contends that Appellant did not develop or have final signature authority on
6 DOT construction projects. Furthermore, Respondent contends that the contents of the April 17,
7 1998 and the June 19, 1998 CQs are the same and that the only difference between the two CQs is
8 the breakdown in percentage of time spent performing various aspects of the job. Respondent
9 argues that Appellant did not perform the breadth and scope of duties and did not exercise the level
10 of authority required to be allocated to the Construction and Maintenance Superintendent 3
11 classification. Respondent maintains that the Engineering Aide 4 classification best described the
12 duties and responsibilities of Appellant's position.

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14 **Primary Issue.** Whether the Director's determination that Appellant's position is properly
15 allocated to the Engineering Aide 4 classification should be affirmed.

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17 **Relevant Classifications.** Engineering Aide 4, class code 60060; Construction and Maintenance
18 Superintendent 1, class code 70600; Construction and Maintenance Superintendent 2, class code
19 70620; and Construction and Maintenance Superintendent 3, class code 70640.

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21 **Decision of the Board.** The purpose of a position review is to determine which classification best
22 describes the overall duties and responsibilities of a position. A position review is neither a
23 measurement of the volume of work performed, nor an evaluation of the expertise with which that
24 work is performed. Also, a position review is not a comparison of work performed by employees in
25 similar positions. A position review is a comparison of the duties and responsibilities of a particular
26 position to the available classification specifications. This review results in a determination of the

1 class which best describes the overall duties and responsibilities of the position. Liddle-Stamper v.
2 Washington State University, PAB Case No. 3722-A2 (1994).

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4 Respondent and DOP should have made their allocation determinations using the April 17, 1998
5 CQ that Appellant submitted with his review request. Both Appellant's supervisor and his second-
6 line supervisor agreed with the duties and responsibilities described in this CQ. However, we agree
7 with Respondent that the description of Appellant's duties and responsibilities are the same in both
8 CQs. In this case, the percentage of time Appellant spent performing the various aspects of his
9 duties is not a determining factor in allocating his position.

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11 We agree with the Director's determination that the Construction and Maintenance Superintendent
12 classifications must be read as a series and that the classes within the series cannot be interpreted in
13 isolation. Therefore, the Construction and Maintenance Superintendent 3 classification also
14 encompasses the duties and responsibilities found at the 1 and 2 level. As a result, positions
15 allocated to the 3 level are responsible for directing state-wide field operations on construction and
16 maintenance projects and directing the work of several concurrent projects being led by subordinate
17 superintendents or crew supervisors. Appellant did not perform this level of work. Furthermore, at
18 the time that he requested his position review, he had not been performing the duties described in
19 his CQ for one year.

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21 Appellant has failed to show that the level, breadth and scope of his duties and responsibilities fell
22 within the Construction and Maintenance Superintendent 3 classification. Appellant coordinated
23 construction projects with DOT which required him to perform highly-skilled sub-professional
24 engineering work. He reported directly to and was under the general supervision of an Engineering
25 Manager. Therefore, his position met the definition and distinguishing characteristics of the
26 Engineering Aide 4 classification.

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Conclusion. The appeal on exceptions by Appellant should be denied and the Director’s determination dated March 9, 1999, should be affirmed and adopted.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the appeal on exceptions by Appellant is denied and the Director’s determination dated March 9, 1999, is affirmed and adopted. A copy is attached.

DATED this _____ day of _____, 1999.

WASHINGTON STATE PERSONNEL APPEALS BOARD

Walter T. Hubbard, Chair

Gerald L. Morgen, Vice Chair

Nathan S. Ford Jr., Member